

REMARKS

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statement filed on June 23, 2004, and for acknowledging the claim for priority under 35 U.S.C. § 119 and receipt of a certified copy of the priority document.

Objections to the Drawings

Applicant has addressed the drawing objections by amending the specification to include the reference characters 17, 18 and S109 identified by the Examiner. Applicant respectfully submits that the objections to the drawings should be withdrawn.

Claim Rejections

Claims 1-19 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Pub. No. 2003/0009569 to McIntyre et al. ("McIntyre"). Applicant traverses these rejections.

Regarding independent claim 1, McIntyre does not disclose or suggest at least a storage recording unit which records the plurality of photographic image data sets determined to be expired from storage by the image storage expiration unit onto a storage recording medium which can be returned to the customers, as recited in claim 1.

After the expiration of an ordering period, the system of McIntyre converts a user's high resolution image files to low resolution image files and stores these image files at a service provider's location in a database associated with the user (paragraph 0068, lines 22-37). Applicant's invention, on the other hand, records the user's photographic images on a storage recording medium which can be returned to the user after a storage period has expired. Not only does McIntyre not store the images in a manner that allows them to be returned to the user after

the storage period expires, but McIntyre also converts the images to low resolution images before storage.

For at least the above reasons, independent claim 1 is patentable over McIntyre. Independent claim 15 contains features similar to the features recited by independent claim 1, and therefore is patentable for similar reasons. Claims 2-10 which depend from independent claim 1, and claims 16-19 which depend from independent claim 15, are patentable at least by virtue of their dependencies.

Independent claim 11 also contains features similar to the features recited by independent claim 1, and therefore is patentable for similar reasons. Further, Applicant respectfully disagrees with the Examiner's assertion that McIntyre's placing of low resolution copies of the user's image files on the service provider's server constitute notifying the user terminals of storage expiration of the plurality of photographic image data sets which have been determined to be expired, as recited in the claim. The only notification provided by the disclosure of McIntyre is the lack of availability when a user attempts to access the images. Therefore, as applied by the Examiner, McIntyre provides no disclosure of express notification of the expiration of a storage period for photographic image data sets, as recited in claim 11.

For at least the above reasons, independent claim 11 is patentable over McIntyre. Claims 12-14 which depend from independent claim 11 are patentable at least by virtue of their dependency.

New Claims

Applicant has added new dependent claims 20-22 depending from independent claim 1. These claims are supported in the specification at least, for example, on pages 4 and 20.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/673,395

Attorney Docket No. Q77744

Applicant submits that no new matter has been added. Claims 20-22 are patentable at least by virtue of their dependency on claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

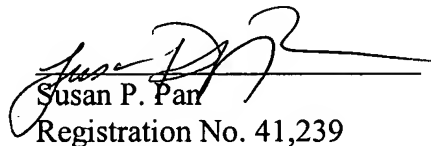
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